

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America

v.

Darnell Desmond Myers

Crim. No. 4:07-cr-00360-TLW

ORDER

This matter is before the Court on Defendant Darnell Desmond Myers's motions for early termination of his term of supervised release. ECF Nos. 378 & 379. For the reasons that follow, the Court Myers' motions are denied.

On July 30, 2007, Myers pled guilty to Conspiracy to Possess with Intent to Distribute and to Distribute 50 Grams or More of Cocaine Base and 5 Kilograms or More of Cocaine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), 846, and 851 (Enhanced Penalty). ECF No. 77. On January 31, 2008, the Court sentenced Myers to the United States Bureau of Prisons for a term of 180 months, to be followed by ten (10) years of supervised release. ECF No. 139. On August 14, 2013, pursuant to a Rule 35 (b) Motion, Myers' sentence was reduced to a total term of 156 months' imprisonment. ECF No. 333. All other provisions of the judgment dated January 31, 2008, remained in effect. *Id.* On September 21, 2015, pursuant to 18 U.S.C. § 3582(c)(2), Myers' sentence was reduced to 120 months' imprisonment. ECF No. 343. All other provisions of the judgment dated August 14, 2013, remained in effect. *Id.* On February 19, 2016, Myers' ten-year term of supervised release commenced in the District of South Carolina. His term of supervised release is set to expire on

February 19, 2026.

On January 8, 2020, Myers submitted a *pro se* motion to the Court requesting early termination of supervised release. ECF No. 375. Based on the seriousness of the instant offense as well as his criminal history, the U.S. Probation Office recommended against early termination, and the Court denied Myers' motion on July 19, 2020. ECF No. 376. In doing so, the Court noted Myers' (1) significant federal conviction, (2) his serious criminal history, (3) Probation's opposition, and (4) the time remaining on his term of supervision. *Id.*

Myers has again moved for the early termination of his remaining term of supervised release. ECF Nos. 378 & 379. A district court may terminate a defendant's term of supervised release if, in the case of a felony, the defendant has completed at least one year of probation and, after considering the § 3553(a) factors, the Court "is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3564(c). In support of his request, Myers notes that (1) he is gainfully employed, (2) has a stable family life, and (3) has completed over half of his term of supervised release. ECF Nos. 378 & 379.

While Myers' performance on supervised release has been positive, the Court notes the seriousness of his instant federal conviction—conspiring to distribute cocaine and cocaine base. Specifically, Myers was held accountable for a significant quantity of drugs: 22 kilograms of powder cocaine. ECF No. 133 ¶ 11.

Moreover, in addition to the seriousness of the offense of conviction, a review

of Myers' criminal history reveals that he has prior convictions for (1) assault in the fourth degree, (2) carrying of a concealed weapon, (3) possession of a firearm, and (4) trafficking cocaine. *Id.* ¶¶ 18–23. After reviewing Myers' motion and the record before it, the Court again concludes that the seriousness of the instant offense and Myers' criminal history weigh against terminating his term of supervised release.

At present, Myers has approximately 25 months of supervised release remaining, as his term of supervised release does not expire until February 2026. For the reasons stated, and after considering the § 3553(a) factors, the Court concludes that early termination of his term of supervised release is not warranted. Myers' motions for early termination of his supervised release, ECF Nos. 378 & 379, are therefore **DENIED**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

January 11, 2024
Columbia, South Carolina